

Application No.: 10/510083
Docket No.: BA9302USPCT

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REMARKS

Applicant has canceled Claim 24 as previously presented and has added new Claim 31, which generally corresponds to Claim 24 in independent form. Claims 11 and 13 have each been amended with regard to "A". Claims 26 and 29 have each been amended to remove an extraneous "any of".

I.

In the Office Action claims 11-15, 18 and 22 were rejected under 35 U.S.C. 102(b) as anticipated by a J. Med. Chem. Article by Gall et al.

Applicant notes that the Gall et al. compound 3c noted in the Office Action has a $\text{CH}(\text{CH}_3)\text{CO}_2\text{CH}_2\text{CH}_3$ group directly bonded to the phenyl ring (i.e., there is not a hetero atom between the $\text{CH}(\text{CH}_3)\text{CO}_2\text{CH}_2\text{CH}_3$ group and the phenyl ring). Claim 11 has now been amended to recite that A is O, $\text{S}(\text{O})_n$ or NR^{10} . Applicant submits that the compounds of claims 11-15, 18 and 22 are now distinct from the compound disclosed in Gall et al.

II.

In the Office Action, claims 11-14 and 22 were rejected under 35 U.S.C. 103(a) as unpatentably obvious in light of JP 10095762 attributed to Emura et al. (a printout including an abstract and a compound designated ethanimidamide, N-[3-(aminomethyl)-2-methylphenyl]-, dihydrochloride was included with the Office Action). The Office Action maintained that the Emura et al. compound differed from the rejected claims by having H attached to an NH (i.e., an NH_2 group) instead of having a methyl attached to an NH (i.e., an NHCH_3 group); and that it would have been obvious to have made a compound having methyl instead of hydrogen attached to the NH. The Office Action further maintained that it is obvious that the Emura et al. compound would have been formulated into a composition.

Applicant notes that the compound designated ethanimidamide, N-[3-(aminomethyl)-2-methylphenyl]-, dihydrochloride has a CH_2NH_2 group directly bonded to the phenyl ring (i.e., there is not a hetero atom between the CH_2NH_2 group and the phenyl ring). As noted above, Claim 11 has now been amended to recite that A is O, $\text{S}(\text{O})_n$ or NR^{10} . Applicant submits that the compounds of claims 11-14 and 22 are now neither disclosed nor fairly suggested by Emura et al.

III.

In the Office Action claims 16, 17, 19-21, 23 and 24 were objected to as being dependent upon a rejected base claim. The Office Action suggested that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim

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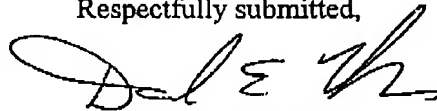
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and any intervening claims. The Office Action also indicated that Claims 25 to 30 were allowable.

Applicants submit that Claim 11 as amended is now allowable, and that accordingly, claims 16, 17, 19-21 and 23 should now be allowable without being rewritten. As noted above Claim 24 has been canceled, and independent Claim 31 has been added.

In view of the foregoing, allowance of the above-referenced application including claims numbered 11-23 and 25-31, is respectfully requested.

Respectfully submitted,



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Dated: AUGUST 13, 2007

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